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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,192	11/07/2001	Sachiko Nishiura	Q67062	4888

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EXAMINER
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SHEPARD, JUSTIN E

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 02/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/986,192	NISHIURA, SACHIKO	
	<b>Examiner</b>	<b>Art Unit</b>	
	Justin E. Shepard	2617	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>01/8/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

The abstract of the disclosure is objected to because on lines 13 and 14 the term "ES" is not defined. Correction is required. See MPEP § 608.01(b).

### ***Claim Objections***

Claim 10 is objected to because of the following informalities: There is no antecedent basis for "said trigger" in claim 8. The suggested change is to have claim 10 depend from claim 9. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 5, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto in view of Messenger.

Referring to claim 1, Yamamoto discloses a digital broadcast receiving method for receiving data broadcasting in which a plurality of files are broadcast with a plurality of elementary streams (column 1, lines 17-19) to make screen display and voice output (figure 1, parts 26 and 27), and

wherein upon initiating reception of said data broadcasting, a start file (column 5, lines 2-7; column 6, lines 12-13), which is a first file of said data broadcasting, is acquired from a determined elementary stream to retain said start file (figure 1, part 8), and

wherein, by analyzing said file, also in case that elementary streams with which respective said files are broadcast differ from each other (figure 1, part 5), said files linked by anchors within each of said files ranging from said start file to said file (figure 6), and

wherein screen display is made by use of said files that have been retained (figure 1, parts 26 and 27).

Yamamoto does not disclose a method wherein the hierarchical number in which said files should be retained is determined in advance, and said files are received until said hierarchical number are acquired automatically and retained.

Messenger discloses a method wherein the hierarchical (Note: Yamamoto discloses a hierarchical file system; figure 2) number in which said files should be retained is determined in advance (column 27, lines 4-6 and 7-9), and said files are received until said hierarchical number are acquired automatically and retained (column 27, lines 11-13).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the method for knowing in advance the size (or number of frames) in a file and to keep receiving until the number is reached, as taught by Messenger, to the method disclosed by Yamamoto. The motivation would have been that if any files are

missed in the initial receiving, the system will know to stay connected and receive the entire file (Messenger: column 27, lines 13-16).

Referring to claim 2, Yamamoto discloses a digital broadcast receiving method for receiving data broadcasting in which a plurality of files are broadcast with a plurality of elementary streams (column 1, lines 17-19) to make screen display and voice output (figure 1, parts 26 and 27),

wherein, upon initiating reception of said data broadcasting, a start file (column 5, lines 2-7; column 6, lines 12-13), which is a first file of said data broadcasting, is acquired from a determined elementary stream to retain said start file (figure 1, part 8), and

wherein, by analyzing said file, also in case that elementary streams with which respective said files are broadcast differ from each other (figure 1, part 5), and

wherein screen display is made by use of said files that have been retained.

Yamamoto does not disclose a system wherein all said files linked by anchors within each file are acquired automatically and retained.

Messenger discloses a system wherein all said files linked by anchors within each file are acquired automatically and retained (column 27, lines 4-6, 7-9, and 11-13).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the method for receiving an entire group of linked files, as taught by Messenger, to the method disclosed by Yamamoto. The motivation would have been that if any files are missed in the initial receiving, the system will know to stay connected and receive the entire file (Messenger: column 27, lines 13-16).

Referring to claim 5, Yamamoto discloses a digital broadcast receiving apparatus receiving data broadcasting in which a plurality of files are broadcast with a plurality of elementary streams (column 1, lines 17-19) to make screen display and voice output (figure 1, parts 26 and 27), comprising;

upon initiating reception of said data broadcasting, file acquisition preparation means for acquiring and retaining a start file (column 5, lines 2-7; column 6, lines 12-13), which is a first file of said data broadcasting, from an elementary stream with which said start file is broadcast, by analyzing each file, also in case that said elementary streams with which respective said files are broadcast differ from each other (figure 1, part 5), and

file transition means for making screen display by use of said files that have been retained (figure 1, parts 26 and 27).

Yamamoto does not disclose an apparatus wherein a hierarchy designation means for storing pre-determined hierarchical number in which said files should be retained to automatically acquire and retain said files linked by anchors within each of said files ranging from said start file to said file until said hierarchical number.

Messenger discloses an apparatus wherein a hierarchy designation means for storing pre-determined hierarchical number in which said files should be retained (column 27, lines 4-6 and 7-9) to automatically acquire and retain said files linked by anchors within each of said files ranging from said start file to said file until said hierarchical number (column 27, lines 11-13).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the method for knowing in advance the size (or number of frames) in a file and to keep receiving until the number is reached, as taught by Messenger, to the method disclosed by Yamamoto. The motivation would have been that if any files are missed in the initial receiving, the system will know to stay connected and receive the entire file (Messenger: column 27, lines 13-16).

Referring to claim 8, Yamamoto discloses a digital broadcast receiving apparatus receiving data broadcasting in which a plurality of files are broadcast with a plurality of elementary streams (column 1, lines 17-19) to make screen display and voice output (figure 1, parts 26 and 27), comprising;

upon initiating reception of said data broadcasting, file acquisition preparation means for acquiring and retaining a start file (column 5, lines 2-7; column 6, lines 12-13), which is a first file of said data broadcasting, from an elementary stream with which said start file is broadcast, by analyzing each file, also in case that said elementary streams with which respective said files are broadcast differ from each other (figure 1, part 5), and

file transition means for making screen display by use of said files that have been retained (figure 1, parts 26 and 27).

Yamamoto does not disclose an apparatus to automatically acquire and retain all said files linked by anchors within each file.

Messenger discloses an apparatus to automatically acquire and retain all said files linked by anchors within each file (column 27, lines 4-6, 7-9, and 11-13).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the method for receiving an entire group of linked files, as taught by Messenger, to the method disclosed by Yamamoto. The motivation would have been that if any files are missed in the initial receiving, the system will know to stay connected and receive the entire file (Messenger: column 27, lines 13-16).

Claims 3, 4, 6, 7, 9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto in view of Messenger as applied to the claims above, and further in view of Brotz.

Referring to claim 3, Yamamoto in view of Messenger does not disclose a digital broadcast receiving method according to claim 1, wherein all said elementary streams with which said files that were received in advance and retained are being broadcast are constantly supervised, and wherein a trigger for broadcasting that is to be broadcast is received.

Brotz discloses a digital broadcast receiving method according to claim 1, wherein all said elementary streams with which said files that were received in advance and retained are being broadcast are constantly supervised, and wherein a trigger for broadcasting that is to be broadcast is received (column 11, lines 5-9; Note: in the specification page 13, line 13; an example is given where a trigger is something identifying that there is a "version-up of the file," which is what the reference teaches).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the method of updating out of date files, as taught by Brotz, to the



previously disclosed apparatus. The motivation would have been to keep from having an out of date version of the program stored for the user (Brotz: column 11, lines 5-9).

Claims 6 and 9 are rejected on the same grounds as claim 3.

Referring to claim 4, Yamamoto in view of Messenger does not disclose a digital broadcast receiving method according to claim 3, wherein contents that said trigger for broadcasting indicates is caused to be reflected on said files that were acquired in advance and retained.

Brotz discloses a digital broadcast receiving method according to claim 3, wherein contents that said trigger for broadcasting indicates is caused to be reflected on said files that were acquired in advance and retained (column 11, lines 5-9; Note: reflecting the trigger is interpreted as applying it to the given file).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the method of updating out of date files, as taught by Brotz, to the previously disclosed apparatus. The motivation would have been to keep from having an out of date version of the program stored for the user (Brotz: column 11, lines 5-9).

Claims 7 and 10 are rejected on the same grounds as claim 4.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. White; U.S. Patent Number 6,804,825; Video On Demand Methods and Systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin E. Shepard whose telephone number is (571) 272-5967. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JS



VIVEK SRIVASTAVA  
PRIMARY EXAMINER